



To the Honorable Council
City of Norfolk, Virginia

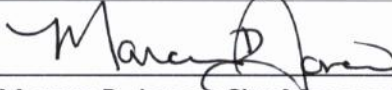
February 9, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exceptions to operate an entertainment establishment and sell alcoholic beverages for off-premises consumption at 244 Granby Street, Suite 244 – Tap It Local**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-7**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special Exceptions to operate an entertainment establishment and sell alcoholic beverages for off-premises consumption.
- IV. **Applicant:** Tap It Local
- V. **Description:**
 - The site is located on the northeast corner of East Tazewell Street and Granby Street.
 - Granting this request will allow a new entertainment establishment, Tap it Local, to serve alcoholic beverages for both on and off-premises consumption to its patrons in a space previously occupied by AJ Gator's.
 - AJ Gator's was granted a special exception for an entertainment establishment in 2002.
 - The applicant proposes to sell and fill 32 and 64 ounce growlers for off-premises consumption.

Staff point of contact: Chris Blough at 664-6771, Christopher.blough@norfolk.gov

Attachments:

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Ordinances

Planning Commission Public Hearing: January 28, 2016

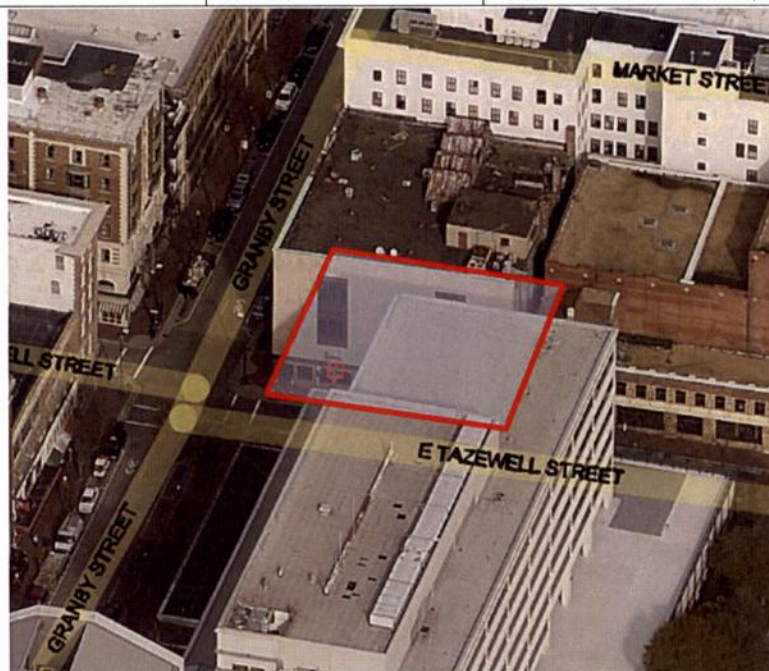
Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Blough

CB

JS

Staff Report	Item No. 16	
Address	244 Granby Street, Suite 244	
Applicant	Tap It Local	
Request	Special Exception	a. Entertainment Establishment b. Sale of Alcoholic Beverages for Off-Premises Consumption
Property Owner	Leans Partnership	
Site Characteristics	Building Area/Space	9,096 sq. ft./4,600 sq. ft.
	Future Land Use Map	Downtown
	Zoning	D-3 (Freemason/Granby Conservation and Mixed Use District) and HO-D (Downtown Historic Overlay District)
	Neighborhood	Downtown
	Character District	Downtown
Surrounding Area	North	D-3: Vacant Harry's Barbecue Space
	East	D-3: Wells Theatre
	South	D-3: Norfolk Federal Building
	West	D-3: Tazewell Hotel, Luce, Juicebar Juices



A. Summary of Request

- The site is located on the northeast corner of East Tazewell Street and Granby Street.
- Granting this request will allow a new entertainment establishment, Tap it Local, to serve alcoholic beverages for both on and off-premises consumption to its patrons in a space previously occupied by AJ Gator's.
 - AJ Gator's was granted a special exception for an entertainment establishment in 2002.
- The applicant proposes to sell and fill 32 and 64 ounce growlers for off-premises consumption.

B. Plan Consistency

The proposed special exceptions are consistent with *plaNorfolk2030*, which designates this site as downtown.

C. Zoning Analysis

i. General

- The site is located in the D-3 district, which permits the proposed use by special exception.

	Previous (AJ Gator's)	Proposed (Tap It Local)
Hours of Operation and Hours for the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., Seven Days a Week	Same
Hours for the Sale of Alcoholic Beverages for Off-Premises Consumption	N/A	11:00 a.m. until 12:00 midnight
Capacity	150 total capacity	147 seats indoors 0 seats outdoors 225 total capacity
Entertainment	<ul style="list-style-type: none">• Karaoke• Acoustical Music• Video Games• Pool Tables• Golf Game• Trivia Games• Children's Games	<ul style="list-style-type: none">• 5 member live band• Karaoke• Video Games• Pool Tables• Golf Game• Children's Games

- Special Exception history:

City Council Approval	Applicant	Request
2002	AJ Gator's	Entertainment establishment and Commercial recreation center
Pending	Tap It Local	<ul style="list-style-type: none"> • Entertainment establishment • Sale of alcoholic beverages for off-premises consumption

ii. Parking

The site is located within the D-3 zoning district, which does not require off-street parking.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

D. Transportation Impacts

Institute of Transportation Engineers figures estimate that this new restaurant will generate 14 fewer vehicle trips per day by decreasing total indoor seating at this location by 3 seats below currently approved levels.

E. Historic Resources Impacts

- The building is located within the Downtown Historic Overlay District and is a contributing structure within a federal and state designated historic district.
- Any modifications to the exterior of the building shall be subject to the Architectural Review Board for review and approval.

F. Public Schools Impacts

This site is located within the Tidewater Park Elementary School, Blair Middle School, and Maury High School Attendance Zones.

G. Environmental Impacts

- There are currently no opportunities for landscaping site improvements to this existing site.
 - There were 14 calls for service made to the site over the past year, with no arrests made.

H. Surrounding Area/Site Impacts

By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding neighborhood.

I. Payment of Taxes

The owner of the property is current on all real estate taxes.

J. Civic League

The application was sent to Downtown Norfolk Council and the Downtown Norfolk Civic League on December 16.

K. Communication Outreach/Notification

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

Entertainment Establishment Conditions:

- (a) The hours of operation for the establishment, for the sale of alcoholic beverages for on-premises consumption, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 147 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 225 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

- (d) Entertainment shall be limited to live bands having no more than 5 members, acoustic music, and karaoke. No other form of entertainment is permitted.
- (e) There shall be no dancing and no dance floor provided.
- (f) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (g) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (h) The establishment shall maintain a current, active business license at all times while in operation.
- (i) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (j) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (l) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (m) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.

- (n) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (o) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (p) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (q) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (r) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (s) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (t) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This special exception;

- (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;
 - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (u) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 169 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (v) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Sale of Alcoholic Beverages for Off-Premises Consumption - Conditions

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 11:00 a.m. until 12:00 a.m., seven days a week.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) Beer shall be sold only in growler containers, either sold on-premises or provided by the customer for refill, which are exclusively produced in bottles of 32 ounces or greater. No wine shall be sold or refilled in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a

general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Attachments:

Location Map

Zoning Map

1000' radii map of similar ABC establishments and Norfolk Public Schools

Application

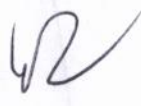
Notice to the Downtown Norfolk Council and Downtown Norfolk Civic League

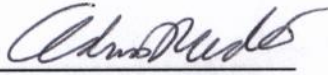
Proponents and Opponents

Proponents

Rick Henn
1400 Granby Street
Norfolk, VA 23510

Opponents

Form and Correctness Approved: 

By 
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By 
DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "TAP IT LOCAL" ON PROPERTY LOCATED AT 244 GRANBY STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Granby Street Sports Bar, Inc. authorizing the operation of an entertainment establishment with alcoholic beverages named "Tap It Local" on property located at 244 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 96 feet, more or less, along the northern line of East Tazewell Street and 100 feet, more or less, along the eastern line of Granby Street; premises numbered 244 Granby Street, Suite 244.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment, for the sale of alcoholic beverages for on-premises consumption, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not be less than 135 seats indoors, shall not include any seats outdoors, and the total occupant capacity, including employees, shall not exceed 225 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the

operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

- (d) Entertainment shall be limited to live bands having no more than five (5) members and karaoke. No other form of entertainment is permitted.
- (e) There shall be no dancing and no dance floor provided.
- (f) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (g) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (h) The establishment shall maintain a current, active business license at all times while in operation.
- (i) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (j) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (k) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent

to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (l) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (m) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (n) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (o) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (p) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter

shall be permitted to use, operate, rent, or host any event on the premises.

- (q) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (r) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (s) No patrons or guests shall be charged a cover charge or fee for entry to the establishment.
- (t) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
 - (1) This special exception;
 - (2) Any ABC license(s);
 - (3) Any occupancy permit(s);
 - (4) Certifications of all persons who work on the premises as a security guard;
 - (5) All fire code certifications, including alarm and sprinkler inspection records;
 - (6) Any health department permit(s);
 - (7) The emergency action plan required under the Fire Prevention Code;

- (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
 - (9) The establishment's designated driver program; and
 - (10) The establishment's Security Plan.
- (u) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 169 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (v) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;

- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent

real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends the previously granted special exceptions permitting entertainment establishments on this property, adopted on March 14, 1989 (Ordinance No. 35,417) and on May 14, 2002 (Ordinance No. 40,685). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (5 pages)

Exhibit B (3 pages)



EXHIBIT "A"
Description of Operations
Entertainment Establishment
(Please Print)

Date 12/10/15

Trade name of business TAP IT LOCAL

Address of business 244 Granby Street Granby Sports Bar, LLC

Name(s) of business owner(s)* CHRIS MCHEATH, ASHLEY MCBRIDE, ROONEY MCHEATH
JEFF SHARP
AL ZULLO

Name(s) of property owner(s)* LEINO PARTNERSHIP LLC

BARRY O'BRIEN ROY O'BRIEN
Name(s) of business manager(s)/operator(s) CHRIS ABBATE, ASHLEY MCBRIDE

Daytime telephone number (757) 510-6200

*If business or property owner is a partnership, all partners must be listed.
*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales and Entertainment
Weekday From <u>11 AM</u> To <u>2 AM</u>	Weekday From <u>11 AM</u> To <u>2 AM</u>
Friday From <u>11 AM</u> To <u>2 AM</u>	Friday From <u>11 AM</u> To <u>2 AM</u>
Saturday From <u>11 AM</u> To <u>2 AM</u>	Saturday From <u>11 AM</u> To <u>2 AM</u>
Sunday From <u>11 AM</u> To <u>12 AM</u>	Sunday From <u>11 AM</u> To <u>12 AM</u>

2. Type of ABC license applied for (check all applicable boxes):
☒ On-Premises ☒ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:
☒ Beer ☒ Wine ☒ Mixed Beverage

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January 2015)

Exhibit A – Page 2
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?
☒ Yes (If more than 4, additional application required) ☐ No

4a. If yes, please describe type and number of each game to be provided:

2 Pool Tables, 1 Golf Game

5. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

5a. If yes, why:

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

6a. If yes, explain:

COFF GROUPS, BIRTHDAYS ETC

7. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

7a. If yes, explain:


8. Will there ever be a minimum age limit?
☐ Yes ☒ No

Exhibit A – Page 3
Entertainment Establishment

9. Additional comments/description/operational characteristics or prior experience:

I HAVE BEEN IN THE RESTAURANT BUSINESS 22 YEARS
AS AN OWNER OPERATOR

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility



Signature of Applicant

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

No Entertainment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. **Indoor**

Number of seats (not including bar seats)

Number of bar seats

Standing room

129
18
63

b. **Outdoor**

Number of seats

0

c. **Number of employees**

15

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 225

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

None

3. Will a dance floor be provided?

☐ Yes ☒ No

3a. If yes,

Square footage of establishment _____

Square footage of dance floor _____

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2015)

Exhibit A – Floor Plan(s) Worksheet
Entertainment Establishment

*Entertainment
Plan*

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Disc Jockey/Band/Entertainment area)
 - Outdoor seating
 - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats)
Number of bar seats
Standing room

117
18
63

5 member band

b. Outdoor

Number of seats

0

c. Number of employees

15

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 218

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

5 member LIVE BANDS, Acoustic Music, KARAOKE

3. Will a dance floor be provided?

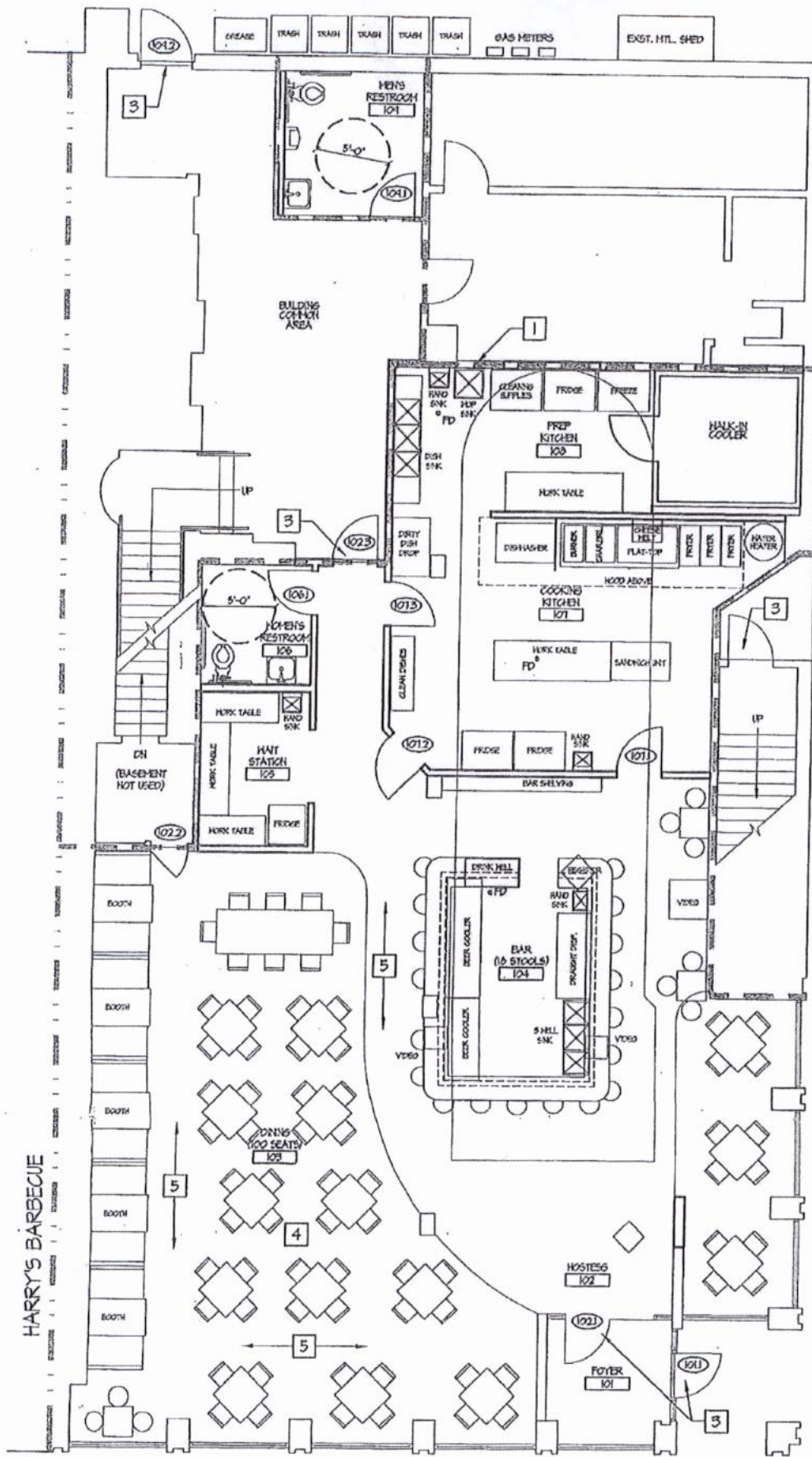
☐ Yes ☒ No

3a. If yes,

Square footage of establishment _____
Square footage of dance floor _____

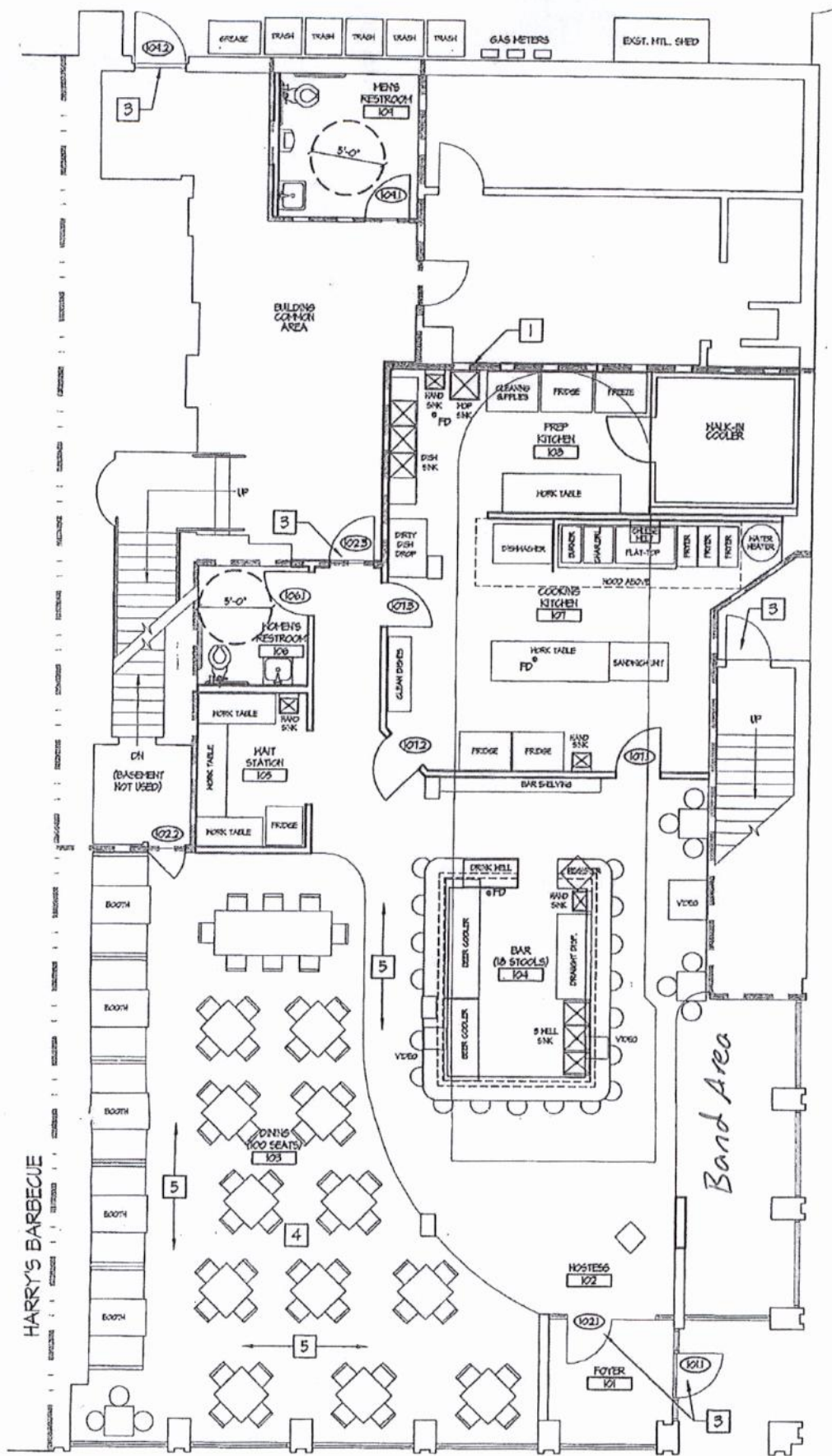
- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING
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(Revised January 2015)



CODE, ACCESSIBILITY, FURNITURE
FIRST FLOOR / FURNITURE PLAN

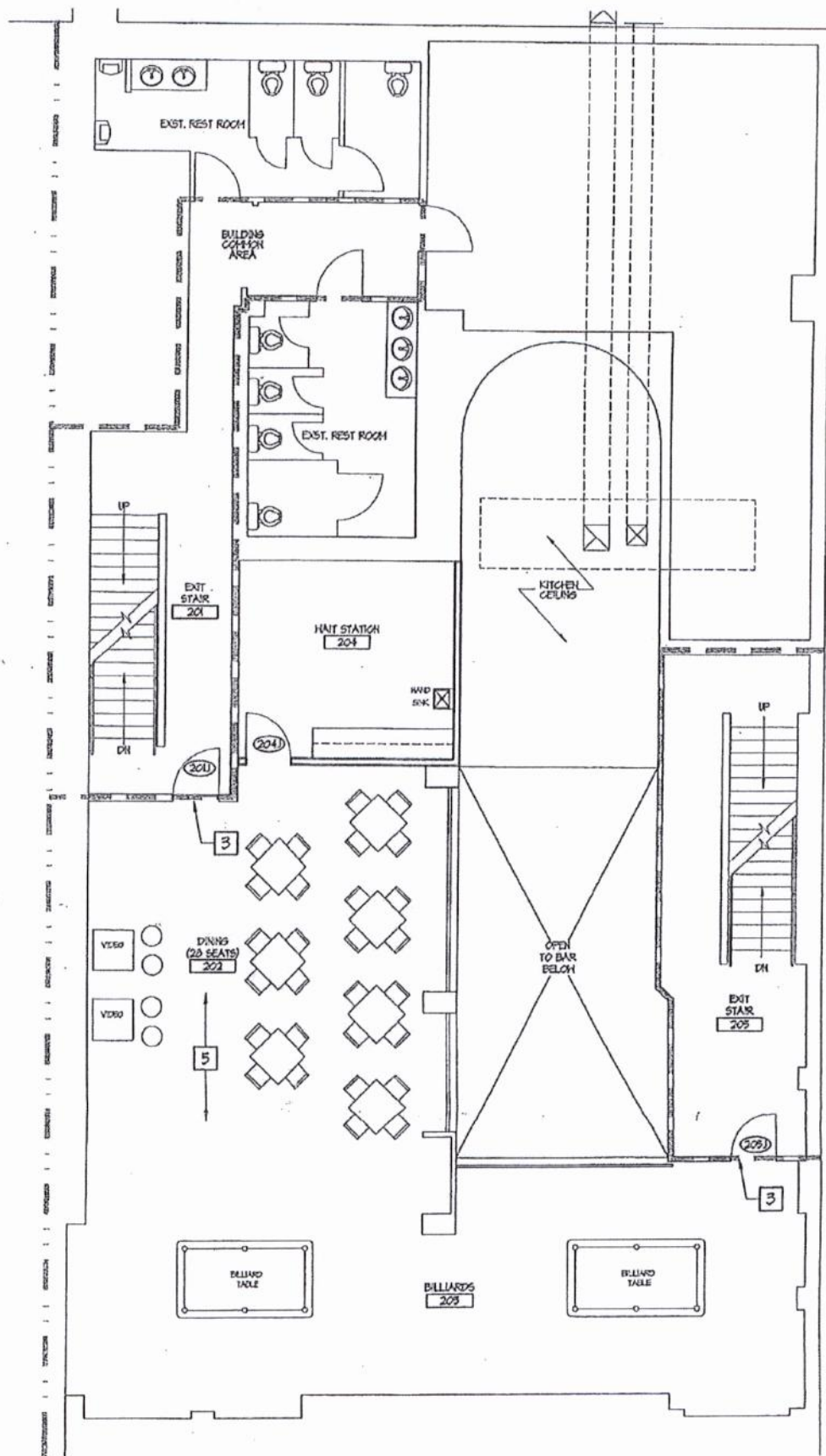
1/8" = 1'-0"



CODE, ACCESSIBILITY, FURNITURE
FIRST FLOOR / FURNITURE PLAN

1/8" = 1'-0"

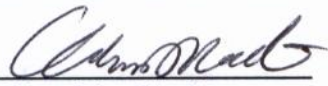
Mezzanine



CODE, ACCESSIBILITY, FURNITURE
SECOND FLOOR / FURNITURE PLAN


1/8" = 1'-0"

Form and Correctness Approved:

By 
Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By 
DEPT.

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "TAP IT LOCAL" ON PROPERTY LOCATED AT 244 GRANBY STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Granby Street Sports Bar, Inc. authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Tap It Local" on property located at 244 Granby Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 96 feet, more or less, along the northern line of East Tazewell Street and 100 feet, more or less, along the eastern line of Granby Street; premises numbered 244 Granby Street, Suite 244.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be limited to 11:00 a.m. until 12:00 a.m., seven days a week. No alcoholic beverages shall be sold for off-premises consumption outside the hours listed herein.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception

is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No refillable containers or containers that are filled one time, on site, and which have less than 32 oz. capacity shall be sold. No wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times

for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities,

drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;

- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (2 pages)



EXHIBIT "A"

Description of Operations Off-Premises Sale of Alcoholic Beverage

Date of Application: 12/10/15

Name of business: Tap It Local

Address of business: 244 Granby Street

Name(s) of business owner(s)*: Chris McGrath, Ashley McGrath, Rodney Rouse
Alzuhars, Jeff Shriver

Name(s) of property owner(s)*: Barry Orleans, Roy Orleans Leans Partnership

Name(s) of business manager(s)/operator(s): Chris McGrath, Ashley McGrath

Daytime telephone number (757): 510-6200

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility

Weekday From 11 A~ To 2 A~

Friday From 11 A~ To 2 A~

Saturday From 11 A~ To 2 A~

Sunday From 11 A~ To 2 A~

Alcoholic Beverage Sales

Weekday From 11 A~ To 2 A~

Friday From 11 A~ To 2 A~

Saturday From 11 A~ To 2 A~

Sunday From 11 A~ To 2 A~

2. Type of alcoholic beverage applied for:

☒ Beer

☐ Wine

☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☐ Room temperature

☒ Refrigerated

DEPARTMENT OF CITY PLANNING

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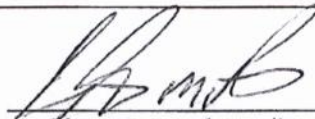
Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

Exhibit A – Page 2
ABC-Off

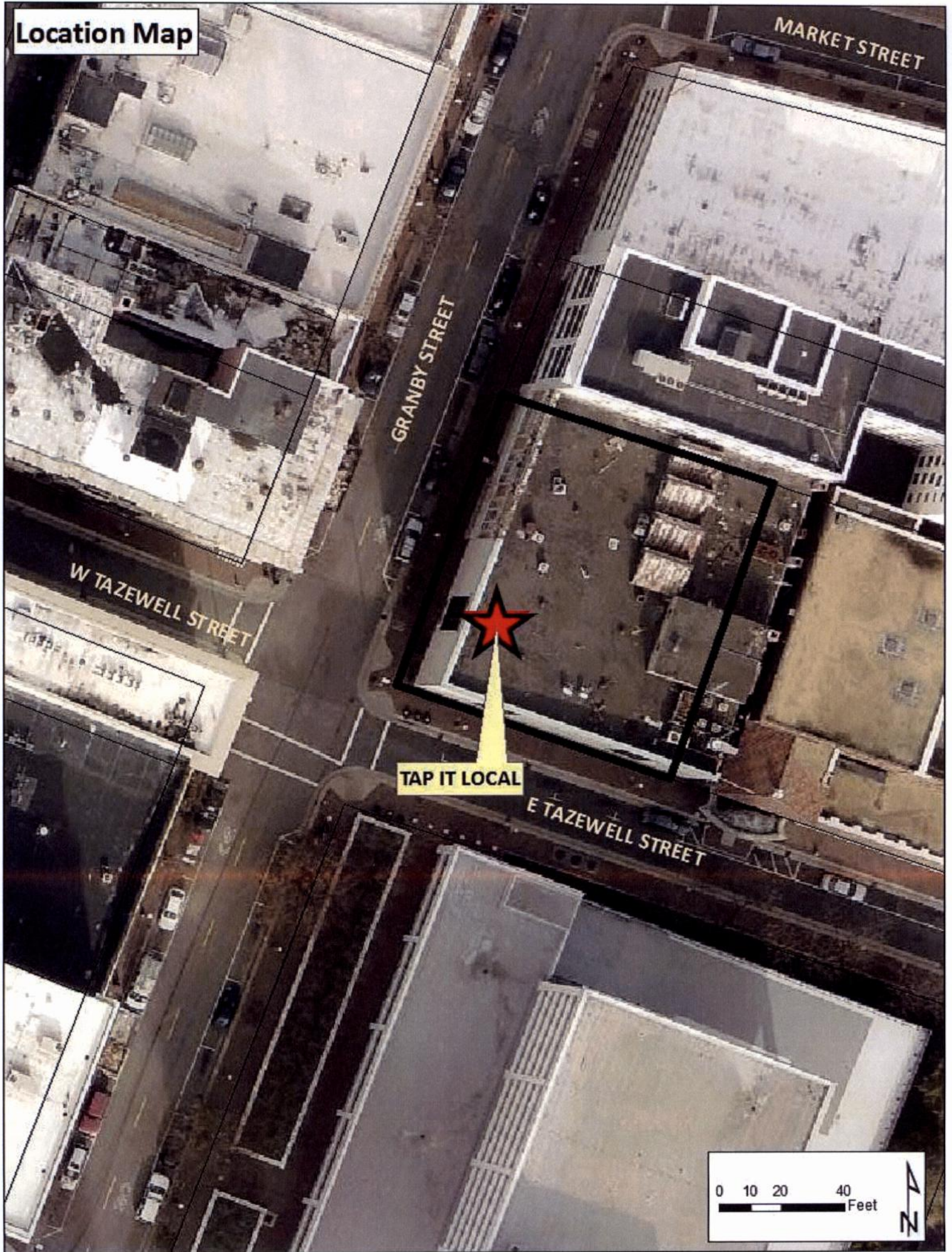
4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

32 - 64 oz. Brownies

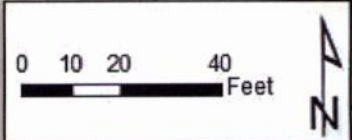


Signature of applicant/owner

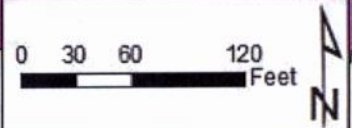
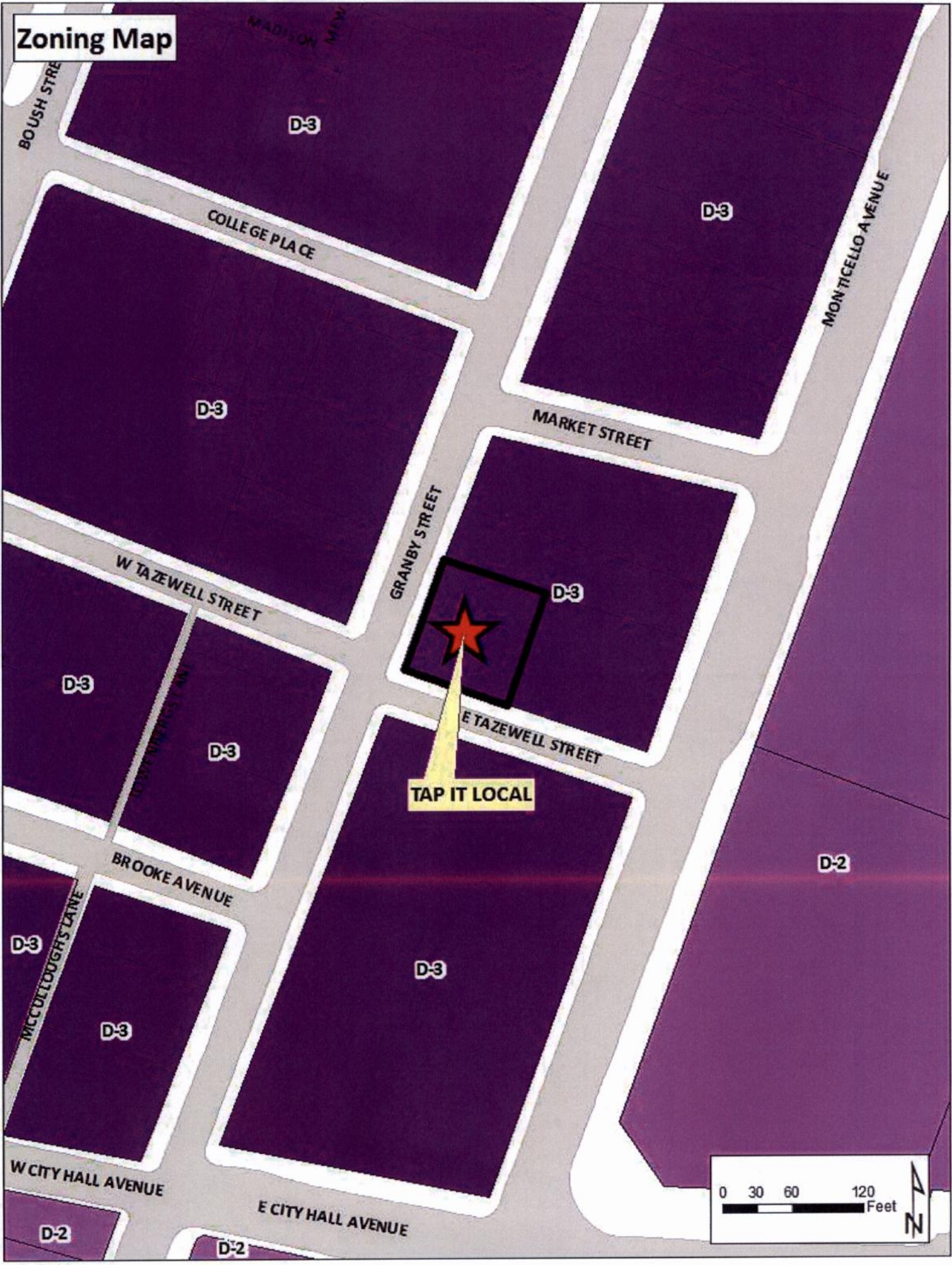
Location Map



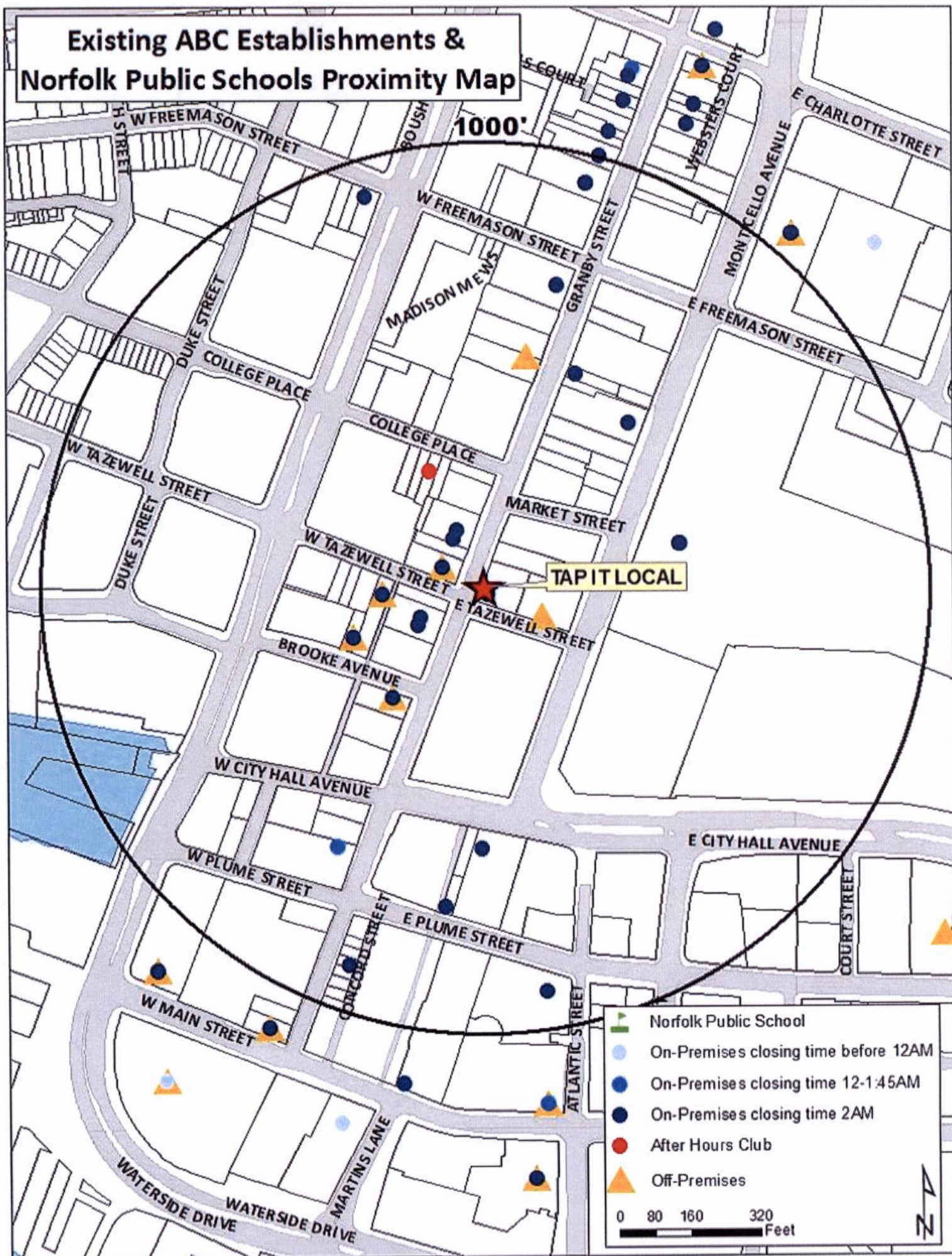
TAP IT LOCAL



Zoning Map



Existing ABC Establishments & Norfolk Public Schools Proximity Map





APPLICATION
ADULT USE SPECIAL EXCEPTION
ENTERTAINMENT ESTABLISHMENT
(Please Print)

Date 12/10/15

DESCRIPTION OF PROPERTY

Address 244 GANNBY STREET

Existing Use of Property ENTERTAINMENT

Proposed Use ENT ESTABLISHMENT

Current Building Square Footage 4600

Proposed Building Square Footage 4600

Trade Name of Business (If applicable) TAP IT LOCAL

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) McBATH (First) CHRISTOPHER (MI) MR

Mailing address of applicant (Street/P.O. Box): 244 GANNBY STREET

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant (757) 510-6200 Fax () _____

E-mail address of applicant: TAPITLOCAL@GMAIL.COM

DEPARTMENT OF CITY PLANNING
810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569
(Revised January 2015)

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) HENNA (First) Rick (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 GRANBY ST

(City) NORFOLK (State) VA (Zip Code) 23510

Daytime telephone number of applicant () 615 6905 Fax () _____

E-mail address of applicant: rickhennaconsulting@gmail.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) LEINS PARTNERSHIP LLC (First) (Roy Orleans)
Borly (MI) +

Mailing address of property owner (Street/P.O. box): 3840 ROBIN HOD RD

(City) NORFOLK (State) VA (Zip Code) 23513

Daytime telephone number of owner (757) 619-6732 email: _____

CIVIC LEAGUE INFORMATION

Civic League contact: Kenn Murphy

Date(s) contacted: _____

Ward/Super Ward information: _____

REQUIRED ATTACHMENTS

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Roy P Orleans Sign: [Signature] 12/11/15
(Property Owner or Authorized Agent of Signature) (Date)

Print name: Chris McEntee Sign: [Signature] 12/10/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: [Signature] Sign: Rick Henry 12/10/15
(Authorized Agent Signature) (Date)



**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 12/5/15

DESCRIPTION OF PROPERTY

Property location: (Street Number) 244 (Street Name) Granby Street
Existing Use of Property Rest-Entertainment Establishment
Current Building Square Footage 4600
Proposed Use Entertainment Establishment
Proposed Building Square Footage 4600
Trade Name of Business (If applicable) Tap It Local

APPLICANT

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) McGrath (First) Christopher (MI) M
Mailing address of applicant (Street/P.O. Box): 244 Granby Street
(City) Norfolk (State) VA (Zip Code) 23510
Daytime telephone number of applicant (757) 5166200 Fax() _____
E-mail address of applicant: tapitlocal@gmail.com

AUTHORIZED AGENT (if applicable)

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) Henn (First) Rick (MI) J

Mailing address of applicant (Street/P.O. Box): 1400 GRACE ST

(City) Norfolk (State) VA (Zip Code) 23510

Daytime telephone number of applicant () 6156900 Fax () _____

E-mail address of applicant: RickHennconsulting@gmail.com

PROPERTY OWNER

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

Leans Partnership LLC (Roy Orleans)

3. Name of property owner: (Last) _____ (First) Barry Orleans

Mailing address of property owner (Street/P.O. box): 3840 Robin Hood Rd

(City) Norfolk (State) VA (Zip Code) 23513

Daytime telephone number of owner (757) 619-6732 email: _____

CIVIC LEAGUE INFORMATION

Civic League contact: Kevin Murphy

Date(s) contacted: _____

Ward/Super Ward information: _____

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Roy D Orleans Sign: R D Orleans 12/11/15
(Property Owner) (Date)

Print name: Chas McLeod Sign: Chas McLeod 12/10/15
(Applicant) (Date)

ONLY NEEDED IF APPLICABLE:

Print name: Rick Henry Sign: [Signature] 12/10/15
(Authorized Agent Signature) (Date)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 12/10/15

Name of business: Tap It Local

Address of business: 244 Granby Street

Name(s) of business owner(s)*: Chris McGrath, Ashley McGrath, Rodney Rountree
Al Zuhair, Jeff Smer

Name(s) of property owner(s)*: Barry Orleans, Roy Orleans Leans Partnership

Name(s) of business manager(s)/operator(s): Chris McGrath, Ashley McGrath

Daytime telephone number (757): 510-6200

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility		Alcoholic Beverage Sales	
Weekday	From <u>11 A~</u> To <u>2 A~</u>	Weekday	From <u>11 A~</u> To <u>2 A~</u>
Friday	From <u>11 A~</u> To <u>2 A~</u>	Friday	From <u>11 A~</u> To <u>2 A~</u>
Saturday	From <u>11 A~</u> To <u>2 A~</u>	Saturday	From <u>11 A~</u> To <u>2 A~</u>
Sunday	From <u>11 A~</u> To <u>2 A~</u>	Sunday	From <u>11 A~</u> To <u>2 A~</u>

2. Type of alcoholic beverage applied for:

☒ Beer ☐ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☐ Room temperature ☒ Refrigerated

DEPARTMENT OF CITY PLANNING

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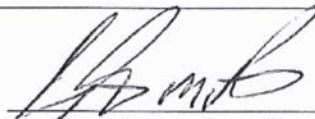
Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)

Exhibit A – Page 2
ABC-Off

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

32 - 64 oz. Growlers



Signature of applicant/owner

DEPARTMENT OF CITY PLANNING

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(Revised January, 2015)

Security Plan of Tap It Local
244 Granby Street
Norfolk Va 23510

Definition of Security

Noun

- Freedom from danger
- freedom from worry, anxiety, or doubt, well-founded confidence
- something that secures or makes safe, protection, defense.
- precautions taken to guard against crime, attack, etc.

Goals

- To create a safe and secure environment within Tap It Local
- To provide a level of control for all guests departing and arriving at Tap It Local
- To mitigate any noise or inappropriate conduct by patrons of Tap It Local entering or leaving the facility which impairs the quiet environment of immediate neighbors, particularly the residents living nearby
- To peacefully and effectively resolve all dangerous situations before any injury to any person or property may occur. The Tap It Local Staff or security team shall provide an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection, and safety to the members of the public
- To ensure a complete, orderly, safe, and swift evacuation of the facility in case of fire, explosion, or any other uncontrolled dangers within the building.
- To protect and promote the courteous, inviting, and hospitable character of the neighborhood and the City of Norfolk generally.

Security Team

We use On Point Security for our security team. All members are DCJS certified and in their security uniform with their badge displayed.

Rules and Regulations

We do not allow anyone to carry any weapons outside of the law. If someone is observed with a weapon the security officer will approach them to see if they have a concealed carry permit. If they do not they will be asked to leave and will be escorted out by our security staff.

We send our staff to be TIPS certified to ensure they are capable of noticing if someone is too intoxicated. We will not continue to serve any individual showing signs of being intoxicated. We will offer to call a cab for anyone who is intoxicated. If a patron tries to come in and is already intoxicated we will deny them entry and explain that they have already had enough to drink tonight. We are a smoke free environment. We have no smoking signs displayed throughout the building. If anyone tries to smoke inside they will be asked to leave.

Upstairs and Roving Security

- Monitor continual compliances with ABC regulations
- Identify and address hazards as they arise throughout the facility
- Maintain security around bar area
- Maintain security around restrooms
- Rove entire venue during operating hours to ensure patron flow and maintenance of open aisles and clear pathways to exits
- During emergency evacuation report to stairways to direct patrons to exits
- Maintain CPR certification

Communication

Security team members carry a handheld radio with earpiece and microphone to keep their hands free in order to execute their responsibilities. Flashlights will be utilized by all team members as a backup form of communication inside the facility whenever the situation warrants.

Electronic Security

Our security system tracks every time the system is armed or disarmed by individual user. It also tracks power outages and when power is restored. This information is readily available through an internet connection and can be provided to law enforcement whenever necessary. Contact on that is Chris McGrath.

Emergency Evacuation Plan

If the facility has to be evacuated due to an emergency patrons will be directed to the nearest emergency exit. If an exit is blocked they will be directed to the next closest exit and told to assemble across Tazwell street in front of the federal building to maintain a safe distance.

Blough, Christopher

From: Straley, Matthew
Sent: Wednesday, December 16, 2015 12:03 PM
To: 'dncl@welovenorfolk.org'; Miller, Mary
Cc: Whibley, Terry; Winn, Barclay; Howard, Oneiceia; Blough, Christopher
Subject: new Planning Commission applications - 244 Granby Street
Attachments: TapItLocal_entertainment.pdf; TapItLocal_off-premises.pdf

Mr. Murphy and Ms. Miller,

Attached please find the following applications at 244 Granby Street:

- a. Special exception to operate an entertainment establishment with alcoholic beverages.
- b. Special exception for the sale of alcohol for off-premises consumption.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Chris Blough* at (757) 664-6771, christopher.blough@norfolk.gov

Thank You.

Matthew Straley

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569